

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 62

HOUSE BILL 2054

AN ACT

AMENDING SECTION 36-411, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-411, Arizona Revised Statutes, is amended to
3 read:

4 36-411. Residential care institutions; home health agencies;
5 fingerprinting; definitions

6 A. Subject to legislative appropriations, as a condition of licensure
7 or continued licensure of a residential care institution, a nursing care
8 institution or a home health agency and as a condition of employment in a
9 residential care institution, a nursing care institution or a home health
10 agency, employees and owners of residential care institutions, nursing care
11 institutions or home health agencies or contracted persons who provide direct
12 care, home health services or supportive services and who have not been
13 subject to the fingerprinting requirements of a health professional's
14 regulatory board pursuant to title 32 shall have valid fingerprint clearance
15 cards that are issued pursuant to title 41, chapter 12, article 3.1 or shall
16 apply for a fingerprint clearance card within twenty working days of
17 employment or beginning volunteer work except as provided in subsections F,
18 G and H of this section.

19 B. A health professional who has complied with the fingerprinting
20 requirements of the health professional's regulatory board as a condition of
21 licensure or certification pursuant to title 32 is not required to submit an
22 additional set of fingerprints to the department of public safety pursuant
23 to this section.

24 C. Owners shall make documented, good faith efforts to:

25 1. Contact previous employers to obtain information or recommendations
26 that may be relevant to a person's fitness to work in a residential care
27 institution, nursing care institution or home health agency.

28 2. Verify the current status of a person's fingerprint clearance card.

29 D. An employee, an owner or a contracted person or a facility on
30 behalf of the employee, the owner or the contracted person shall submit a
31 completed application that is provided by the department of public safety
32 within twenty days after the date the person begins work.

33 E. A residential care institution, nursing care institution or home
34 health agency shall not allow a person or contracted person to continue to
35 provide direct care, home health services or supportive services if the
36 person has been denied a fingerprint clearance card pursuant to title 41,
37 chapter 12, article 3.1, has been denied approval pursuant to this section
38 before May 7, 2001 or has not received an interim approval from the board of
39 fingerprinting pursuant to section 41-619.55, subsection I.

40 F. Volunteers who provide services to residents under the direct
41 visual supervision of a previously screened owner or employee are exempt from
42 the fingerprint clearance card requirements of this section.

43 G. Notwithstanding the requirements of section 41-1758.02, subsection
44 B, a person who provides direct care, home health services or supportive
45 services for a residential care institution, home health agency or nursing

1 care institution after meeting the fingerprinting and criminal records check
2 requirements of this section is not required to meet the fingerprint and
3 criminal records check requirements of this section again if that person
4 remains employed by the same employer or changes employment within two years
5 after satisfying the requirements of this section. FOR THE PURPOSES OF THIS
6 SUBSECTION, IF THE EMPLOYER CHANGES THROUGH SALE, LEASE OR OPERATION OF LAW,
7 A PERSON IS DEEMED TO BE EMPLOYED BY THE SAME EMPLOYER IF THAT PERSON REMAINS
8 EMPLOYED BY THE NEW EMPLOYER.

9 H. Notwithstanding the requirements of section 41-1758.02, subsection
10 B, a person who has received approval pursuant to this section before May 7,
11 2001 and who remains employed by the same employer is not required to apply
12 for a fingerprint clearance card.

13 I. If a person's employment record contains a six-month or longer time
14 frame where the person was not employed by any employer, a completed
15 application with a new set of fingerprints shall be submitted to the
16 department of public safety.

17 J. For the purposes of this section:

18 1. "Home health services" has the same meaning prescribed in section
19 36-151.

20 2. "Supportive services" has the same meaning prescribed in section
21 36-151.

22 Sec. 2. Emergency

23 This act is an emergency measure that is necessary to preserve the
24 public peace, health or safety and is operative immediately as provided by
25 law.

APPROVED BY THE GOVERNOR APRIL 8, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2004.

Passed the House January 26, 2004,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Jake Flake
Speaker of the House

German L. Moore
Chief Clerk of the House

Passed the Senate March 30, 2004,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Blunt With Emergency
President of the Senate

Chaim B. Berman
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2054

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 5, 2004,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting
With Emergency
Jake Flake
Speaker of the House
Norman L. Spore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2004

at 2:40 o'clock P. M.

Winnider Uparra
Secretary to the Governor

Approved this 8 day of

April, 2004,

at 4:30 o'clock P. M.

J. R. Brewer
Governor of Arizona

H.B. 2054

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of April, 2004,

at 10:45 o'clock A M.

Janice K. Brewer
Secretary of State